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c 147 Apprentices and Minors Act

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CHAPTER 147.

An Act respecting Apprentices and Minors.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Apprentices and Minors Act*. 1 Geo. V. c. 31, s. 1. Short title.

INTERPRETATION.

2. In this Act,

(a) "County" shall include district.

Interpreta-
tion.

"County."

(b) "County Court" shall include District Court.

"County
Court."

(c) "Master" shall include any person or number of persons, male or female, carrying on business, singly or in partnership, and a body corporate.
1 Geo. V. c. 31, s. 2.

"Master."

MINORS AND GUARDIANSHIP.

3.—(1) A parent, guardian, or other person having the care or charge of a minor, or a charitable society authorized by the Lieutenant-Governor in Council to exercise the powers conferred by this Act, and having the care or charge of a minor, with the consent of the minor if a male not under the age of fourteen years, or a female not under the age of twelve years, and without such consent, if the minor is under such age, may, by instrument in writing, constitute to be the guardian of the minor any respectable trustworthy person who is willing to assume, and by agreement assumes, the duty of a parent towards the minor; but the parent shall remain liable for the performance of any duty imposed on him by law if the guardian fails in the performance thereof.

Appoint-
ment of
guardians to
minors.

(2) The guardian shall thereupon possess the same authority over the minor as he would have were the minor his own child, and shall be bound to perform the duties of a parent towards such minor. 1 Geo. V. c. 31, s. 3.

Authority of
guardians.

4. No minor who has been abandoned by his parent or guardian, or who is dependent upon charity for support, shall be removed from any public or private charitable institution, or from the custody or control of any private person who is charitably taking care of him, by the father or mother or

Where parents
and guardians
deprived of
custody.

guardian of the minor against the will of the head of such public or private charitable institution, or of such private person, without an order for such removal of a Judge of the Supreme Court, or of the Judge of the County Court of the county, or the mayor or police magistrate of the city or town where the minor is; and the Judge or other person empowered to make the order for removal may refuse to make the same unless he is satisfied that the removal will tend to the advantage and benefit of the minor. 1 Geo. V. c. 31, s. 4.

Power of
certain
minors to bind
themselves to
labour.

5. Where a minor over the age of sixteen years who has no parent or guardian, or who does not reside with him, enters into an engagement, written or verbal, to perform any service or work he shall be liable upon, and shall have the benefit of the same, as if he had been of full age. 1 Geo. V. c. 31, s. 5.

APPRENTICING MINORS.

Power of
parents,
charitable
societies,
etc., to bind
minors.

6. A parent, guardian or other person having the care or charge of a minor, or any charitable society authorized by the Lieutenant-Governor in Council to exercise the powers conferred by this Act, and having the care or charge of a minor, who is a male and not under the age of fourteen years, may with his consent bind him as an apprentice by agreement in writing to any respectable and trustworthy master-mechanic, farmer, or other person carrying on a trade or calling, for a term not to extend beyond the minority of the apprentice; or in the case of a female not under the age of twelve years, may, with her consent, bind her to any respectable and trustworthy person carrying on any trade or calling, or to domestic service with any respectable and trustworthy person for any term not to extend beyond the time when she attains the age of eighteen years. 1 Geo. V. c. 31, s. 6.

Power given
to the mother
when the
father aban-
dons his in-
fant children.

7. Where the father of a minor abandons and leaves him with the mother the mother, with the approbation of two justices of the peace of the county or city in which she resides, may bind the child as an apprentice to any of the persons mentioned in the next preceding section, until the minor attains the age of twenty-one years in the case of a male and eighteen years in the case of a female; and an agreement in writing to that effect under the hand and seal of the mother and countersigned by such justices shall be valid; but no minor who has attained the age of fourteen years shall be so apprenticed unless he or she consents. 1 Geo. V. c. 31, s. 7.

Apprentice-
ship by
Mayor,
Judge, etc.

8. In a city or town the mayor, a Judge of the County Court or a police magistrate, and in a county a Judge of

the County Court may bind for the like period to any of the persons referred to in section 6, with the consent of such person and of the minor, or if the minor is a male under the age of fourteen years or a female under the age of twelve years then without the consent of the minor, any minor who is an orphan or has been deserted by his parents or guardian, or whose parents or guardian have been committed to and are confined in a common gaol or house of correction, or any minor who is dependent upon public charity for support; and such apprentice and his master shall be held in the same manner as if the apprentice had been bound by his parent. 1 Geo. V. c. 31, s. 8.

9. All wages agreed by an indenture or otherwise to be paid for the service of a minor, shall, if not payable to the parent, be either payable to the minor or to some person for his benefit. 1 Geo. V. c. 31, s. 9. Wages of minors.

10. If the master of an apprentice dies, the apprentice, if a male, shall by operation of law be transferred to the person, if any, who continues the establishment or business of the deceased master; and such person shall hold the apprenticeship upon the same terms as the master, if alive, would have done. 1 Geo. V. c. 31, s. 10. Transference by death.

11. A master may, with the consent of his apprentice, transfer him to any person who is competent to receive or take an apprentice and who carries on the same kind of business. 1 Geo. V. c. 31, s. 11. Transference by consent.

12. Every master shall provide his apprentice during the term of his apprenticeship with suitable board, lodging and clothing, or such equivalent therefor as is mentioned in the agreement, and with medical attendance, and shall also properly teach and instruct him, or cause him to be taught and instructed in his trade or calling. 1 Geo. V. c. 31, s. 12. Duties of masters towards apprentices.

13. Every apprentice shall, during the term of his apprenticeship, faithfully serve his master, and obey all his lawful and reasonable commands, and shall not absent himself from his service, day or night, without his consent. 1 Geo. V. c. 31, s. 13. Duty of apprentices.

COMPLAINTS.

14.—(1) A Judge of the County Court or a police magistrate having jurisdiction within the county or city in which the master resides, upon complaint made by a minor bound under the provisions of this Act, or by any person on his behalf, or by the person to whom an apprentice is bound, may alter the mode in which payment of wages is to be made, by directing payment to the apprentice or to some other person, in lieu of the manner provided in the agree- Alteration in mode of payment of wages upon application for the purpose.

Annulment
of indenture
for misconduct.

ment; or may upon proof of gross misconduct or neglect of duty annul the agreement of apprenticeship or of service, and may compel the person in whose possession, power, custody or control the agreement is to produce and deliver the same in Court in order to have it cancelled, or to have the order varying it endorsed thereon, as the case may require.

Committal
for refusing
to produce
indenture.

(2) The Judge or police magistrate may, after allowing a reasonable time for production and delivery of the agreement, issue a warrant for the imprisonment of the person in default for any term not exceeding six months unless it is sooner produced and delivered. 1 Geo. V. c. 31, s. 14.

Emancipa-
tion from
authority of
guardian.

15. A Judge of the County Court or a police magistrate having jurisdiction in the county or city in which the guardian resides, upon complaint of any minor over whom a person has been appointed guardian under section 3, or of any person on behalf of the minor, and upon proof of gross misconduct or neglect of duty on the part of the guardian may emancipate the minor from his authority. 1 Geo. V. c. 31, s. 15.

Cancellation
of indenture
of appren-
ticeship or
appointment
of guardian.

16. A Judge of the County Court in any case, and a police magistrate in case the apprenticing of a minor or the appointment of a guardian under this Act has not been by the parent of the minor, such Judge or police magistrate having jurisdiction in the county or city in which the master or guardian resides may, on the application of either the parent or the minor, cancel the agreement of apprenticeship or service if satisfied that the same was injudiciously or improperly entered into; or cancel the appointment of the guardian, and restore the minor to the parent, if satisfied that the parent is a fit and proper person to take charge of him; and when such cancellation of the guardianship is on the application of the parent his authority shall revive. 1 Geo. V. c. 31, s. 16.

Liability of
apprentice
deserting his
master's ser-
vice.

17. Where an apprentice absents himself from his master's service or employment before the expiration of his apprenticeship, he may at any time, if found in Ontario, be compelled to serve his master for so long a time as he so absented himself unless he makes satisfaction to his master for the loss sustained by his absence. 1 Geo. V. c. 31, s. 17.

How com-
plaints may
be heard.

18.—(1) If the apprentice refuses to serve or to make satisfaction to his master as provided by the next preceding section, or to obey the lawful commands of his master, or in any other way refuses or neglects to perform his duty to his master, and if the master, or his overseer or agent, complains on oath to a justice of the peace, either in the county, city or town where the master resides, or in any

county, city or town where the apprentice is found, the justice may cause the apprentice to be summoned to appear or to be apprehended and brought before him, or before some other justice of the peace; and the justice, upon hearing the complaint, shall determine what satisfaction shall be made by the apprentice to the master.

(2) If the apprentice does not give or make such satisfaction immediately, or, where the satisfaction is of such a nature as not to admit of immediate performance, if he does not give sufficient security to make such satisfaction, the justice may commit the apprentice to the common gaol or house of correction of the county, city or town for any period not exceeding three months; and such imprisonment shall not release the apprentice from the obligation to make up the lost time to the master. 1 Geo. V. c. 31, s. 18.

Committal of apprentice in certain cases, etc.

19. Where the apprentice has not left Ontario or, having left Ontario, has returned thereto, the master shall not proceed against the apprentice under this Act after one year next from the expiration of the term for which the apprentice contracted to serve, or from his return, as the case may be. 1 Geo. V. c. 31, s. 19.

Limitation of proceedings against absconding apprentice.

20. Any person who knowingly harbours or employs an absconding apprentice shall pay to his master the full value of the apprentice's labour; and such value shall be what the master would have received from the labour and service of the apprentice if he had continued faithfully in his master's service; and the master may recover the same in any Court having jurisdiction where the apprentice has been employed or where the master resides. 1 Geo. V. c. 31, s. 20.

Penalty for employing or harboring absconding apprentices.

21. Where an apprentice becomes insane, or is convicted of an indictable offence, or is sentenced to the Ontario Reformatory, a reformatory or the penitentiary, or is sent to an industrial school, or absconds, his master may, within one month thereafter, but not afterwards, avoid the agreement of apprenticeship or service from the time he gives notice in writing of his intention to do so to the other parties to the agreement; either by serving them with the notice or by inserting it in the *Ontario Gazette* or in a newspaper published in the county or city where the master resides. 1 Geo. V. c. 31, s. 21.

When master may avoid indenture.

22. The Court of General Sessions of the Peace shall have concurrent primary jurisdiction over offences against this Act, and shall also have authority to make any order which under this Act may be made by a Judge of a County Court. 1 Geo. V. c. 31, s. 22.

Jurisdiction of General Sessions.

Costs.

23. The Court of General Sessions of the Peace, Judge, police magistrate or justice may, on any complaint or other proceeding under this Act, make such order as to payment of costs as may appear just. 1 Geo. V. c. 31, s. 23.

Application of fines.

24. All fines imposed and collected under this Act shall be paid to the treasurer of the county or city in which the offence was committed. 1 Geo. V. c. 31, s. 24.

APPEALS.

Appeal from Justice or Police Magistrate.

Rev. Stat. c. 90.

25. Either party may, except as to matters provided for in the next following section, appeal from any decision of a justice or police magistrate, under this Act, as is provided by *The Ontario Summary Convictions Act* in the case of a summary conviction. 1 Geo. V. c. 31, s. 25.

Appeal to a Judge in Chambers.

26.—(1) An appeal shall lie to a Judge of the Supreme Court in Chambers from any order or decision of a Court of General Sessions of the Peace or of a Judge of the County Court or of a police magistrate, cancelling or varying or refusing to cancel or vary an agreement of apprenticeship or service, or cancelling or refusing to cancel the appointment of a guardian.

Proceedings on appeal.

(2) The appeal shall be by notice of motion which shall be served upon the opposite party within ten days from the day upon which the order or decision was made, unless a Judge of the Supreme Court or the Master in Chambers allows further time; and the motion shall be returnable upon the first chamber day after the tenth day from the day of service of the notice.

Terms.

(3) The Judge or Master in Chambers in granting further time may impose such terms as to further evidence, costs and otherwise as he sees fit.

Order of Judge.

(4) The Judge, upon consideration of the evidence taken upon the hearing, a certified copy whereof shall be produced before him, and such further evidence, if any, may make such order in the premises, and as to costs and otherwise, as he may deem just, and before adjudicating upon the appeal, he may, upon such terms as he may deem just, permit further evidence, either written or oral, to be adduced. 1 Geo. V. c. 31, s. 26.

Further evidence.

POWERS OF CHARITABLE SOCIETIES.

Charitable societies may be authorized to exercise powers under this Act.

27. The Lieutenant-Governor in Council may authorize any charitable society, incorporated or unincorporated, to exercise for a limited time or otherwise the powers conferred by this Act, and may revoke or suspend any Order in Council made for that purpose. 1 Geo. V. c. 31, s. 27.